

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Criminal Action No.
	)	12-00155-01-CR-W-BP
ARMANDO P. GAITAN,	)	
	)	
Defendant.	)	

REPORT AND RECOMMENDATION

On December 19, 2012, Defendant was ordered to undergo a competency evaluation (Doc. No. 22). Defendant was found incompetent to stand trial and committed to the custody of the Attorney General for hospitalization and treatment (Doc. No. 28). Following this period of treatment, I received a report dated February 11, 2014, which stated Defendant's competency had been restored.

A competency hearing was held on April 2, 2014. The government was represented by Assistant United States Attorney David Barnes. Defendant in person with appointed attorney Bill Raymond. The parties stipulated to the contents and findings of the February 11, 2014 report (Tr. at 2). No additional evidence was presented. The parties waived the fourteen-day objection period (Tr. at 3).

Based upon the uncontroverted evidence, I find that Defendant is competent to proceed. Therefore, it is

RECOMMENDED that the court, after making an independent review of the record and applicable law, enter an order finding Defendant competent.

/s/ Robert E. Larsen  
ROBERT E. LARSEN  
United States Magistrate Judge

Kansas City, Missouri  
April 3, 2014